

Panaji, 10th December, 1981 (Agrahayana 19, 1903)

SERIES II No. 37

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 3/7/77-PER (Vol. II)

Shri Chaman Lal, permanent Grade I Officer of Goa, Daman and Diu Civil Service, presently on deputation as Director of Provedoria, and also functioning as Secretary to Lt. Governor, is hereby appointed with immediate effect, as Secretary, Goa, Daman and Diu Housing Board, Panaji in addition to his own duties, until further orders.

2. Shri U. D. Kamat, the present Secretary to Housing Board, shall stand relieved from the post with effect from the date Shri Chaman Lal takes over as Secretary to the Housing Board.

3. On his relief, Shri Kamat shall take over as Administrative Officer, Goa Medical College, Panaji in terms of order No. 3/7/77-PER (Vol. III Part II) dated 23rd October, 1981.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 2nd December, 1981.

Home Department (General)

Notification

No. 1/11/80-HD(G)-Vol. II

Read: Government's Notification No. HD-34-29/70-A dated 9th July, 1970.

In exercise of the powers conferred by section 13 of the Suppression of Immoral Traffic in Women and Girls Act, 1956 (Central Act 104 of 1956) and in supersession of the Government Notification No. HD-34-29/70-A, dated the 9th July, 1970, the Lieutenant Governor of Goa, Daman and Diu hereby appoints each of the Police Officers specified in Column 2 of the Annexures I and II appended hereto as Special Police Officer for the areas shown in the corresponding entry in Column 3 of the said Annexures I and II for dealing with offences under the said Act in those areas.

ANNEXURE - I

Sl. No.	Name of the Special Police Officers	Areas
1	2	3
1.	Deputy Superintendent of Police (Crime).	Union Territory of Goa, Daman and Diu.
2.	Police Inspector, CID (Crime).	— do —

1	2	3
3.	Police Inspector, Diu.	Areas under Diu Police Station.
4.	Police Inspector, Mapusa.	Areas under Mapusa Police Station.
5.	Police Inspector, Panaji.	Areas under Panaji Police Station.
6.	Police Inspector, Ponda.	Areas under Ponda Police Station.
7.	Police Inspector, Margao.	Areas under Margao Police Station.
8.	Police Inspector, Vasco.	Areas under Vasco Police Station.

ANNEXURE - II

Sl. No.	Name of the Special Police Officers	Areas
1	2	3
1.	Sub-Divisional Police Officer, Panaji.	Panaji Sub-Division.
2.	Sub-Divisional Police Officer, Mapusa.	Mapusa Sub-Division.
3.	Sub-Divisional Police Officer, Margao.	Margao Sub-Division.
4.	Sub-Divisional Police Officer, Vasco.	Vasco Sub-Division.
5.	Sub-Divisional Police Officer, Daman and Diu.	Daman and Diu Districts.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

K. B. Verekar, Under Secretary (Home).

Panaji, 30th November, 1981.

Works, Education and Tourism Department

No. 12/17/80-WET-LM-TVRM

Shri T. V. Ramana Murty is hereby temporarily appointed as Lecturer in Mathematics in the College of Engineering, Goa, with effect from 7-11-1981 (forenoon) on an initial pay of Rs. 700/- per month in the pay scale of Rs. 700-40-900-EB-40-1100-50-1300 plus the usual allowances admissible from time to time.

The appointment is subject to the conditions specified in this Office Memorandum of even number dated 14-10-1981 and the rules and regulations laid down by Government from time to time.

The appointment is purely on ad-hoc basis and will not bestow on him any claim for regular appointment, promotion to a higher post and seniority and will be liable to be terminated by one month's notice or with payment of one month salary in lieu of notice.

The appointment is further subject to the condition that in case he is found to be having bad character/reputation or antecedents, his services will be terminated.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 4th December, 1981.

Local Administration and Welfare Department

Order

No. 5-7-79-LSG

Read Government Order No. LSG-2430-SW-67 dated 30-4-1977.

Read letter No. 9-2-80-ADMN/3271 dated 27-10-1981 from Director of Social Welfare.

In para No. 2 the words "including the Jeeps" appearing after the word liabilities are substituted by the words "and all the jeeps excluding Jeeps (i) No. BML-7474 (ii) No. GDA-1406 (iii) No. BML-1263 (iv) No. BML-2263 and (v) No. BML-2219."

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 25th November, 1981.

Revenue Department

Notification

No. 22/148/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for Construction of road at Marlem, Margao.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act,

be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Addl. Deputy Collector (L.A.O.), Collectorate of Goa, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Addl. Deputy Collector (L.A.O.), Collectorate of Goa, Panaji.
3. The Chief Officer, Margao Municipal Council, Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Addl. Dy. Collector (L.A.O.), Collectorate of Goa, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	P. T. Sheet No.	Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Salcete	Margao	153	35 (Part)	Laximikant D. Naik Karmali.	850.00
			153	39 (Part)	Bhaskar D. Naik Karmali.	1175.00
			153	40 (Part)	Joaquim Chapel Borda.	30.00
			154	46 (Part)	Edward Crasto.	75.00
			154	1 (Part)	Caetano Branco Almeida.	50.00
			154	4 (Part)	Joao Floriano Vas.	30.00
			154	7 (Part)	Constancio Cruz.	10.00
			154	10 (Part)	Iris Jacerina Medeira.	10.00
			154	40 (Part)	Dattaram Sardessai.	1175.00
			154	42 (Part)	Hilario Pereira.	100.00
			175	1 (Part)	Luis Canara.	600.00
			175	4 (Part)	Alex Rodrigues.	600.00
			154	19 (Part)	Comunidade of Margao.	100.00
			175	7 (Part)	Roque Pachoco.	550.00
			175	9 (Part)	Dr. A. Rodrigues.	325.00
			175	14 (Part)	Jairam Rogui.	225.00
			192	4 (Part)	Jairam Roqui.	75.00

1	2	3	4	5	6	7
		193	525 (Part)	Jairam Baicaji Roqui.		194.00
		193	23 (Part)	Botelho.		100.00
		193	24 (Part)	Caetano Branco Almeida.		75.00
		193	16 (Part)	Caetano Branco Almeida.		425.00
		193	17 (Part)	Deodate Barreto.		125.00
		193	18 (Part)	Deodate Barreto.		163.00
		193	21 (Part)	Pedru Caetano Almeida. d.a. Caetano Soares.		200.00
Boundaries:						
North: Road, Chalta No. 39, 35						
P. T. Sheet No. 153, 153.						
46, 1, 4, 7, 10, 11, 13						
154, 154, 154, 154, 154, 154, 154						
South: Chalta No. 35, 39, 30, 21, 40						
P. T. Sheet No. 153, 153, 154, 193, 154						
East: Chalta No. 40, 39, 40, 19, 42						
P. T. Sheet No. 153, 153, 153, 154, 154						
1, 7, 9, 14, 16, 17, 18, 21						
175, 175, 175, 175, 193, 193, 193, 193						
19						
(Nalla)						
164						
West: Chalta No. 35, 37, 38, 40, 42						
P. T. Sheet No. 153, 153, 153, 154, 154						
1, 4, 7, 9, 14, 4, 5, 25						
175, 175, 175, 175, 175, 192, 193, 193						
24, 16, 19, 18, 21, 19 (Nalla)						
193, 193, 194, 193, 193, 193						
Total						7262.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 26th November, 1981.

Notification

No. 22/80/80-RD

Whereas by Government Notification No. 22/80/80-RD dated 8-10-1980 published on page 358 & 359 of Series II, No. 30 of the Official Gazette, dated 23-10-80 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Strengthening of "Cauli Bund" for Irrigation at Chinchinim.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A

of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, P.W.D., Cell, Altinho-Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, P.W.D., Cell, Altinho-Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Salcete	Chinchinim	—	334 1(Part)	Shri Anacleto Bengalo Antao Comunidade de Chinchinim	950.00
Total						950.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 27th November, 1981.

Notification

No. 22/108/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Implementation of housing activity by the Goa, Daman and Diu Housing Board at Moti Daman, Daman.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing com-

pensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act, will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act, the Deputy Collector of Daman, Daman to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Deputy Collector of Daman, Daman.
2. The Chairman, Goa, Daman and Diu Housing Board, Panaji.

6. A rough plan of the said land is available for inspection in the Office of the Collector of Daman, Daman for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Daman	Moti Daman	28/PTS-78		1. Alexo Morais 2. Rama Nana Patel	14,934.00
Total						14,934.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu,

S. Regunathan, Secretary (Revenue).

Panaji, 23rd November, 1981.

Notification

No. 22/71/81-RD

Whereas by Government Notification No. 22/71/81-RD dated 27-6-1981 published on page 159 of Series II, No. 15 of the Official Gazette, dated 9-7-1981 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Construction of School Building at Khareband, Navelim, Salcete (additional area).

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto

is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Deputy Collector, South Goa, Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Deputy Collector, South Goa, Margao, till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	P.T.S. No.	Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Salcete	Margao	295	18 (Part)	Shri Milton Coutinho.	48.00
Boundaries:						
North: Chalta No. 18, P.T.S. No. 295.						
South: Chalta No. 23, P.T.S. No. 295.						
East: Chalta No. 28, P.T.S. No. 295.						
West: Chalta No. 10, P.T.S. No. 295.						
Total						48.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 27th November, 1981.

Notification
No. RD/LQN/127/78

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Construction of Staff Quarters for Primary Health Centre at Moti Daman, Daman.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Daman	Moti Daman, Fort	7/PTS-67		1. Julmir Jesus 2. Christaline Jesus. 3. Antonio Jesus. 4. Carmo Jesus.	3,363.00
2.	—do—	—do—	8/PTS-67		1. G. C. Buttler. 2. Phyllis Buttler.	790.00
Total						4,153.00

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue)

Panaji, 20th November, 1981.

Corrigendum

No. 22/80/80-RD

Read: Government Notification No. 22/80/80-RD dated 8-10-80.

In the above Government Notification published on page No. 358 and 359 in Series II No. 30 of the Official Gazette dated 23-10-80, the Survey number of plot in Column No. 5 of Schedule should be read as 334/1 (Part) instead of 323/17.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 21st November, 1981.

Corrigendum

No. 22/78/81-RD

The Survey No. 4/9 appearing in column No. 5 of the Government Notification No. 22/78/81-RD dated 21-2-1981 published in Official Gazette, Series II, No. 15, page 160 dated 9-7-1981 shall be read as Survey No. 4/19.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 27th November, 1981.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector Daman, Daman, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Daman, Daman.

2. The Deputy Collector, Daman, Daman.

3. The Director of Health Services, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Collector of Daman, Daman, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

Corrigendum

No. 22/114/80-RD

The "Public purpose" appearing in Government Notification No. 22/114/80-RD dated 15-11-1980 under Section 4 of the Land Acquisition Act, 1894 published in Official Gazette Series II No. 38 page 543 to 550 dated 18-12-1980 as "for construction of drainage, circular road and expansion of approach road to the Industrial Estate at St. Jose de Areal" may be read as "Construction of drainage, Circular road and expansion of approach road to the Industrial Estate for Industrial Development Corporation (Company) at St. Jose de Areal, Salcete".

By order and in the name of the Lt. Governor of Goa, Daman & Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 30th November, 1981.

Office of the Collector and DCA

Order
No. 3/11/81-CAB (Bye-Laws) 1210

The Government of Goa, Daman and Diu, under the powers, vested in, article 18 of the Devasthan Regulation, is pleased to appoint the below named persons on the

special Committee to frame the draft bye-laws of Devasthan of Shri Navadurga of Adcolna, Ponda.

Effective Members:

President: Shri Laxmikant Surya Fadate Gaonkar.

Treasurer: Shri Ramchandra Naik Gaonkar.

Attorney: Shri Shikaro Babi Naik Gaonkar.

Secretary: Shri Mono Satu Fadate Gaonkar.

Substitute Members:

President: Shri Krishnanath Fondu Zalmi.

Treasurer: Shri Govind Bhikaro Naik.

Attorney: Shri Ladu Datta Naik.

Secretary: Shri Tulsidas Chudu Gawde.

The above Committee shall submit the draft bye-laws to the Government within a period of six months from the date of publication of this order in the Official Gazette. The procedure laid down in the Article 17 and 18 of the Devasthan Regulation, as amended by the Legislative Diploma No. 1899 dated 29-5-1959 and the Government directions contained in the Revenue Department letter No. RD/END/116-71, dated 27-7-1971 are to be followed to frame bye-laws.

The above Committee is also entrusted with the management of the said Devalaya until the bye-laws are approved and published.

R. I. Jaiprakash, Collector and DCA.

Panaji, 18th November, 1981.

Industries and Labour Department

Order

No. 28/2/79-ILD

The following Awards given by Shri Ferdino Rebelo, Arbitrator, Goa, is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 26th November, 1981.

BEFORE THE ARBITRATOR, SHRI FERDINO REBELLO, IN

Voluntary Reference No. 1 of 1980

Between

Margao Municipal Council ... — Employer

and

Their Workman, represented by the Goa

Municipal Workers Union ... — Workman

Shri R. M. Lotliker, for the Employer.

Shri Jose F. Monteiro, for the Workman/Union.

AWARD

An unjustified and premature retirement of a worker as per the Union threatened to bring to a standstill the Municipal activities in the city of Margao, Goa, run and controlled by the Margao Municipal Council (for short the 'Council'). The Council stuck to its guns that their action was legal, proper and justified. Industrial relations being at stake the parties thought it prudent to resolve the matter not in the public streets of Margao but seeking the sanctuary of judicial intervention by reference to an Arbitrator as provided for by the Industrial Disputes Act, 1947. Calm was thus restored, leading to the present reference.

2. The reference as made by the Lt. Governor of Goa, Daman and Diu, as the appropriate Government is published in Official Gazette, No. 9, Series II, dated 29th May, 1980, reads as under:

"Whether the action of Margao Municipal Council in terminating the services of Shri Barmappa A. Zamane (Mukadam) with effect from 31-10-1978 by way of superannuation is valid, legal and justified; If not, what relief the workman is entitled to."

3. The reference being gazetted and to set in motion the legal formalities, by letter dated 21st June, 1980, the Commissioner for Labour and Employment, forwarded a copy of the order dated 22nd May, 1980 published on 29th May, 1980 and the agreement dated 12th February, 1980 by which the parties agreed to invite this voluntary reference.

4. Pursuant to the receipt of the said notice, and its publication in the Official Gazette, notice was issued to the parties to appear before me and present their Statement of Claims. The arbitration agreement provided that the matter be disposed off within 60 days or within such further time as is extended by mutual agreement. Consequently, the period of arbitration was extended by agreement dated 5th September, 1980 upto 31st December, 1980 and the extended period was further extended upto 10th July, 1981.

5. Notice for appearance on being served on the parties, parties appeared before me and filed their respective statements. The Union further by their application dated 15th October, 1980 raised an objection to the engagement of a legal practitioner by the Margao Municipal Council. The matter was posted for hearing on 28th October, 1980. On the said date, the workman was represented by the President of the Union. None appeared on behalf of the Margao Municipal Council. However, as the matter was only regarding the hearing of the Union's objections, I proceeded to hear the matter and by order dated 31st October, 1980, I rejected the application of the Union for reasons set out in the order dated 31st October, 1980.

6. The preliminary objection being decided, the parties canvassed their respective cases by leading evidence both oral and documentary. The case as made out by the Union in the Claim Statement was that the workman involved in the dispute Shri Barmappa A. Zamane was retired prematurely. That the birth certificate which resulted ultimately in the superannuation of the workman was not presented by the workman; that the date of birth shown in the said certificate which has been taken on record as Exh.M-1 was not correct and that the real date of birth of the workman was as per the certificate of birth produced alongwith his representation i.e., 4-4-1926 and that Barmappa A. Zamane and Dundappa A. Mang the name on the certificate produced by the workman were one and the same person, this not by pleadings but based on an affidavit dated 26th July, 1978.

7. The Municipal Council by their statement briefly submitted that they acted on the birth certificate on their record, Exh.M-1. That the second birth certificate produced by the workman was a made-up document and fabricated to suit the purpose of the workman; that the name shown in the two certificates were different and that the workman was always known as Barmappa A. Zamane and that the case of the workman that he was also known as Dundappa is an after-thought.

8. Two issues arise from the pleadings:—

- Whether Barmappa Appanna Zamane and Dundappa Appanna Mang are one and the same person;
- Whether the correct date of birth of the workman was 12-10-1928 as per the birth certificate on record of the Municipality.

9. The workman examined himself and 3 other witnesses. In his examination-in-chief, the workman has stated that the second birth certificate produced by him was the correct birth certificate; that his birth is registered in Hukeri taluka, District Belgaum, State Mysore (Karnataka); that when he joined the Margao Municipal Council he had not handed over any birth certificate; that he came to Goa during the erstwhile Portuguese regime when the borders were closed and that in fact he entered Goa without a passport. He further stated that when he joined the Municipality, he gave his name as Barmappa Appanna Zamane, but in fact his real name was Dundappa Appanna Mang. In cross-examination he stated that he does not know when his name was registered with the Chief Registrar of Births & Deaths, Government of Mysore (Karnataka) and by whom. He further denied the suggestion that the birth certificate produced by him does not pertain to him. He also denied the suggestion that the affidavit produced by him was false.

10. Shri Mallappa Fakeraappa Naik, examined on behalf of the workman, stated that he knows the workman in his native village and that since the last 10 years he is residing in Margao where the workman is also residing and that he hails from Khanapur, Hukeri taluka and that the workman in the native village is known as Dundappa and that he is given the surname 'Mang' as he belongs to the 'Mang' caste. He denied the suggestion that the workman is not known as Dundappa in the village and he further denied the suggestion that the real name of the workman is Barmappa and not Dundappa.

11. Tukaram Kalappa Mahar, the second witness examined on behalf of the workman, has stated that he knows the workman in the native village and that it is the workman who brought him to Goa. He further stated that he was working initially for the Marmagao Port Trust and that at that time the Marmagao Port Trust also did not require production of any document for employment, including the birth certificate. He further stated that he knows the workman's father. In cross-examination he denied the suggestion that the name of the workman is Barmappa and not Dundappa.

12. Shri Kalappa Rama Mang, the last witness examined on behalf of the workman, has stated that he knows the workman who is his relative. He has further stated that though he is a resident of Kolhapur, his mother is from Khanapur and from the 'Mang' community and that is how he is related to the workman. He further stated that he used to know the father of the workman. In cross-examination he stated that he came to Goa in the last 8 to 9 years. He further stated that the workman is known in the Municipality as Barmappa and by some as Dundappa. He denied the suggestion that he was deposing falsely and that the workman is not known as Dundappa.

13. The employer, Margao Municipal Council, examined its Chief Officer who has stated that the workman joined the Margao Municipal Council in December, 1942 and retired in the month of October, 1978; that during all these years, the workman was known as Barmappa Appanna Zamane. He produced a bunch of 12 documents, which have been marked as Exh. M-2 colly, which documents pertain to application for leave, medical certificate and other correspondence pertaining to the workman. In all these correspondence, the workman is known as Barmappa A. Zamane. He further stated that even in the Provident Fund account, the workman has given his name as Barmappa A. Zamane. He further deposed that the workman has not produced any document or record to show that his name was not Barmappa A. Zamane and that the workman has retired on the age of superannuation. In cross-examination he has admitted that there is no order of appointment available on record. However, his date of joining is shown as 31-12-1942 and that this information is from the pay fixation order of the workman and that there is no mention of the date of birth in the pay fixation order and that Exh. M-1 was submitted to the Council by the workman. On further cross-examination, he admitted that he could not say whether Exh. M-1 was submitted by the workman neither when it was submitted to the Margao Municipal Council. The circular shown to the deponent dt. 13-6-1978 where the date of retirement of the workman is mentioned as 20-10-1978 against his date of birth shown in the order dated 31-10-1978 Exhibit A-4 where it is shown as 12-10-1978. He stated that the discrepancy in the order and the circular was typographical error. He further stated that the date shown in the circular dt. 13-6-1978 is the correct date. He further admitted that the workman by his representation dt. 24-7-1978, immediately after the issue of the circular regarding the retirement of the workman made a representation which is on file; that alongwith the representation the workman produced a birth certificate and an affidavit in support that Barmappa A. Zamane and Dundappa Appanna Mang were one and the same person, Exhibit 'A' colly. In re-examination he stated that the representation was not considered as the name in the birth certificate on the record and the birth certificate produced by the workman differed and further that in the new birth certificate the name of the mother was also not indicated and neither the date of registration.

14. This being the factual matrix of the facts as placed before me, the two issues have to be decided based on this evidence.

15. As to the first issue, the workman has examined himself and 3 other witnesses, two of whom hail from his village and one is distantly related to him. In fact, Malappa

Fakerappa Naik has stated that as the workman belongs to the Mang caste, that is how the workman bears the name of 'Mang'. This also has been borne out by the fact that the workman's father's name is Appanna Mang. All the witnesses have stated that the workman is known in the village as Dundappa. Apart from the suggestion to these witnesses that they are deposing falsely, no other evidence has been led by the Margao Municipal Council to challenge this evidence, except the 12 applications for leave where the name of the workman is shown as Barmappa A. Zamane. In fact, the witnesses examined on behalf of the workman have stated that the workman is known in Goa as Barmappa A. Zamane. Moreover, they have been consistent in their deposition that the workman is known as Dundappa in his native village. I accordingly hold that Barmappa A. Zamane and Dundappa Appanna Mang are one and the same person. Accordingly, I hold the first issue proved in favour of the workman.

16. As regards the second issue, it is neither the case of the workman or of the Municipal Council that the workman was born at Valpoi, Satari as is shown in Exhibit M-1. In fact, the evidence on record is that the workman joined the Margao Municipal Council in the year 1942 during the erstwhile Portuguese regime and that he entered Goa without a passport and when the borders were closed. Further, the witness Malappa Fakeraappa Naik has deposed that he knows the workman in his village. Witness Tukaram Kalappa Mahar has deposed that since childhood he knows the workman and that the said witness is in Goa since the last 20 years and that, in fact, it was the workman who brought the witness to Goa. Witness Kalappa Rama Mang has also stated that he knows the workman for many years. Thus, it is proved that the workman came to Goa for the first time when he joined the Margao Municipal Council in 1942. If this be the case, then Exh. M-1 though a certificate issued by the Civil Registration Services of Goa, Daman and Diu, is of no consequence. Moreover, it is shown that the said entry was made in the Civil Registration Office at Margao under entry No. 64, of the year 1961. This further goes to establish that this document was prepared only in the year 1961. Further, there is nothing on record to show that the said certificate was produced by the workman as the certificate was issued only on 10-8-1970. Moreover, there was no evidence to show why the same was introduced in the file of the workman in 1970. Thus, I am inclined to reject M-1 as correctly showing the date of birth of the workman.

17. The certificate produced by the workman admittedly is issued by the Tehsildar of Hukeri taluka, District Belgaum, State Mysore (Karnataka). In the said certificate, the date of birth is shown as 4-4-1926. The name of the father of the applicant is shown as required. Shri Lotliker appearing on behalf of the Council had objected to the said certificate been considered as, according to Shri Lotliker, no mention is made against the entry 'date of registration' and 'name of the mother' is not disclosed. If the certificate is seen, it is evident that the certificate requires either the name of the mother or the father as the certificate shows against the respective entries 'name of father/mother'. Moreover, the said document has been issued under the Rules framed under the Registration of Births & Deaths Act, 1969. That being a public document, there is no reason why it cannot be taken on the record. Accordingly, the objection of Shri Lotliker is rejected. There is further no evidence to accept the case of the Municipal Council that the said document is a got-up document. As the said document is a public document, I see no reason to disbelieve the said document wherein the date of birth of the workman is shown as 4-4-1926. As the second issue also has been proved against the Council and in favour of the workman, the workman has been able to establish his case that he has been superannuated before attaining the age of superannuation which, in the Margao Municipal Council is 60 years.

18. The Council moreover in such a case where there were two certificates could have sent the workman for a medical check-up or sought opportunity here as the gap between the date of birth in the two certificates was nearly 8 years. Neither was an opportunity sought before me to lead additional evidence. There is no duty cast on the Arbitrator to suo motu take evidence if an opportunity is not sought by the parties.

19. Having come to this conclusion, the question is as to what relief the workman is entitled to. The law pertaining to the relief to be granted by the Arbitrator was hazy. However, the position has now been made clear by the decision

of the Supreme Court in *Gujrat Steel Tubes Ltd. vs. Its Mazdoor Sabha* (1980 Lab. I. C. 1004), wherein Sec. 11-A of the Industrial Disputes Act, 1947 was considered in the context where the said powers can be exercised by an Arbitrator. The Supreme Court was pleased to state —

"We would prefer to be liberal rather than lexical when reading the meaning of industrial legislation which develops from day to day in the growing economy of India. The necessary conclusion from this discussion is that the expression 'tribunal' includes in the statutory setting, an arbitrator also. Contemporaneous para-legislative material may legitimately be consulted when a word of wider import and of marginal obscurity needs to be interpreted. So viewed we are not in 'sound-proof system' and I. L. O. recommendation accepted by India and the object and reasons of the amending act leave no doubt about the sense, policy and purpose. Therefore, Sec. 11-A applies to the arbitrator in the present case and he has the power to examine whether the punishment imposed in the instant case is excessive."

20. Thus, there is now no shadow of doubt that an arbitrator has the powers under Sec. 11-A of the Act.

20. Normally the effect of setting aside the order and granting reinstatement to the workman would be followed by awarding full back wages. However, as the Supreme Court has stated, the grant of back wages is in the discretion of the arbitrator, in other words, the Arbitrator has discretion in granting relief.

21. In this particular case, the workman produced the birth certificate alongwith an affidavit when there was already another birth certificate on his personal file and his

date of superannuation had been announced. The affidavit produced by the workman was defective in form in that it was not properly verified and, as such, the Council could not have taken a cognizance of the said affidavit. As the Council harboured under a genuine difficulty, their action was totally bonafide in not considering the birth certificate produced by the workman alongwith his representation. Though the workman has been out of a job and taking into consideration the financial status of the Municipal Council and its dependance on the Government for grants and further considering the fact that it is a public body with public duties to discharge, and moreover this being a case of superannuation and not a dismissal, I am inclined to hold that the workman is entitled to partial wages from the date of his illegal superannuation. Since the date of superannuation the workman is out of a job for the last two years and 8 months, I feel in the circumstances of the case that granting of 25% back wages will meet the ends of justice.

22. Accordingly, I make the following Order:

ORDER

The workman is reinstated in service with continuity of service. The Margao Municipal Council will pay the workman 25% of wages from 1st of November, 1978 till date. Both the parties to be accordingly informed.

In the circumstances and on the facts of this case, both the parties will bear their own costs.

Panaji, Goa.

July 10, 1981.

Ferdino Rebello
Arbitrator.